REMARKS

This is a Response to the Office Action mailed August 10, 2006, in which a three (3) month Shortened Statutory Period for Response was set and which expired September 11, 2006. Claims 1, 14, 20, and 27 are currently amended. No new matter has been added to the application. No fee for additional claims is due by way of this Amendment. The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090. Upon entry of the amendments herewith, claims 1-27 remain pending.

1. Rejections Under 35 U.S.C. § 112, Second Paragraph

At page 2 of the Office Action, claims 1-27 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite in the recital of "a farthest recording layer." Applicants have amended claims 1, 14, 20 and 27 as suggested by the Examiner, and accordingly, respectfully request withdrawal of the rejection. Applicants thank the Examiner for the suggested amendment.

2. Obviousness-Type Double Patenting Rejections

At paragraph 12 of the Office Action, claims 1-27 have been rejected under the judicially created doctrine of obviousness-type double patenting as being obvious over U.S. Patent No. 6,982,111, issued to *Mishima et al.*, hereinafter the '111 patent, and as being obvious over U.S. Patent No. 7,002,887, issued to *Kakiuchi et al.*, hereinafter the '887 patent.

The Office Action further indicates that the previously filed "terminal disclaimer is not directed to either of these patents." However, Applicants' previously filed Terminal Disclaimer is directed to both the '111 patent and the '887 patent. Accordingly, Applicants respectfully request withdrawal of the obviousness-type double patenting as being obvious over the '111 patent and the '887 patent.

3. Information Disclosure Statements

The present Office Action and the Office Action mailed March 7, 2006 asserts eight different obviousness-type double patenting rejections. Although Applicants do not believe that the disclosed art in the previously filed Information Disclosure Statements (IDS) and the presently filed IDS are necessarily relevant to the patentability of the pending claims of the present application, Applicants are disclosing all references of record in the eight applications and patents which were used as a basis for the asserted obviousness-type double patenting rejections.

The Information Disclosure Statement was necessitated by the Examiner's eight-way double patenting rejection, with which Applicants do not agree. However, if the Examiner believed the claims of the related cases were sufficiently similar to warrant a double patenting rejection, all of the art from the related cases might be considered relevant by the Examiner. Accordingly, the art is cited out of an abundance of caution. This is the reason for the submission and the basis of relevance provided by Applicants' attorney.

4. Conclusion

In light of the above amendments and remarks, Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that all pending claims 1-27 are allowable. Applicants, therefore, respectfully request that the Examiner reconsider this application and timely allow all pending claims. The Examiner is encouraged to contact Mr. Armentrout by telephone to discuss the above and any other

distinctions between the claims and the applied references, if desired. If the Examiner notes any informalities in the claims, he is further encouraged to contact Mr. Armentrout by telephone to expediently correct such informalities.

Respectfully submitted,

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